

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

17 3452

The JS 44 Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Andrew Parsons
1657 King's Highway 431
P.O. Box 19046
Montgomery

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

Bednor Corp. DBA Harry Helmet
1121 Benfield Blvd Ste 5
Mt. Vernon Md 21108-2612

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
| Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Federal Telephone Consumer Protection Act 47 USC § 227
Brief description of cause:
Defendants called/texted Plaintiff

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 382500
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 8-2-17 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

AUG - 2 2017

UNITED STATES DISTRICT COURT

17

3452

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1657 The Fairway #131 Jenkintown, PA 19046

Address of Defendant: 1121 BENFIELD BLVD STE S MILLERSVILLE, MD 21108-2642

Place of Accident, Incident or Transaction: By phone call to my private telephone.

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Federal Telephone Consumer Protection Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Andrew Perrong

, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☒ Relief other than monetary damages is sought.

DATE: 8/02/2017

Andrew Perrong

Attorney-at-Law

PLAINTIFF PRO SE

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/02/2017

Andrew Perrong

Attorney-at-Law

PLAINTIFF PRO SE

Attorney I.D.#

CIV. 609 (5/2012)

AUG -2 2017

CDJ

UNITED STATES DISTRICT COURT

17

3452

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

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(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

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Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

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6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Federal Telephone Consumer Protection Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Andrew Perrong, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☒ Relief other than monetary damages is sought.

DATE: 8/02/2017

Attorney-at-Law

Andrew Perrong

PLAINTIFF PRO SE

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/02/2017

Attorney-at-Law

Andrew Perrong

PLAINTIFF PRO SE

Attorney I.D.#

CIV. 609 (5/2012)

AUG - 2 2017

CDJ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

ANDREW PERRONG

CIVIL ACTION

v.

Lednor Corporation d.b.a. Harry Helmet et al.

NO. 17 3452

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (☒)

8/02/2017

Date

215-791-6957

Telephone

Andrew Perrong

Attorney-at-law

888-329-0305

FAX Number

PLAINTIFF PRO SE

Attorney for

ANDYPERRONG@GMAIL.COM

E-Mail Address

AUG - 2 2017

CDJ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ANDREW R. PERRONG
1657 The Fairway #131 Jenkintown, PA 19046
Telephone: 215-791-6957
Facsimile: 888-329-0305
andyperrong@gmail.com

Plaintiff,
vs.

Civil Action
No. 17 3452

Lednor Corporation d.b.a. Harry Helmet
1121 Benfield Blvd Ste S
Millersville, MD 21108-2642,

DELPHIN ETIENNE THEBAUD III
1121 Benfield Blvd Ste S
Millersville, MD 21108-2642,

DELPHIN ETIENNE THEBAUD IV
1121 Benfield Blvd Ste S
Millersville, MD 21108-2642,

JAYNE MACK
1121 BENFIELD BLVD STE S
MILLERSVILLE, MD 21108-2642,

MODERNIZE, INC.
1209 ORANGE ST
WILMINGTON, DE 19801,

JASON EDWARD POLKA
4313 SINCLAIR AVE.
AUSTIN, TX 78756,

IPO WINDOWS & HOME d.b.a.
CITYLIFE INVESTMENTS & ACQ, LLC
2108 RAMONA LN
WOODSTOCK MD 21163-1248,

REGINALD E DANAGE
2108 RAMONA LN.
WOODSTOCK, MD. 21163,

11/5/17
8/2/2017
RT

ROSA DANAGE)	
3303 PEDDICOAT CRT.)	
WOODSTOCK MD 21163,)	
)	
PRESTIGE HOME SOLUTIONS LLC)	
2725 FAIT AVE.)	
BALTIMORE MD 21224,)	
)	
ANDREW AVRAMIDIS)	
2725 FAIT AVE.)	
BALTIMORE MD 21224,)	
)	
and)	
DOES 1 through 100, inclusive,)	
)	
Defendants.)	Jury Trial Demanded

Plaintiff ANDREW R. PERRONG brings this action for damages, statutory damages, punitive damages, interest, court costs, and injunctive relief under rights pursuant to Federal Statute under 47 U.S.C. 227, and 47 C.F.R. 64, as well as the Racketeer Influenced and Corrupt Organization Act 18 U.S.C. 1964 (“Federal Question” Jurisdiction) for the *ultra vires* illegal actions and deliberate and knowing tortious activity of LEDNOR CORPORATION D.B.A. HARRY HELMET, DELPHIN ETIENNE THEBAUD III, DELPHIN ETIENNE THEBAUD IV, JAYNE MACK, MODERNIZE, INC., JASON EDWARD POLKA, IPO WINDOWS & HOME d.b.a. CITYLIFE INVESTMENTS & ACQ, LLC, REGINALD E DANAGE, ROSA DANAGE, PRESTIGE HOME SOLUTIONS, ANDREW AVRAMIDIS, and Does 1 through 100, inclusive, in negligently and/or willfully contacting Plaintiff via Plaintiff’s telephone to solicit sales (“Sales Calls”), in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* and related claims that form part of the same claim or controversy and/or under 28 U.S.C. § 1367(a) (“Supplemental” Jurisdiction). Plaintiff demands a trial by jury, and complains and alleges as follows:

I. Introduction

1. Defendants Does #1-5 are an individual and/or corporation of unknown origin who first called Plaintiff on his private telephone number, and who sold leads to THE LEDNOR RACKETEERS, THE MODERNIZE RACKETEERS, IPO RACKETEERS, and THE PRESTIGE RACKETEERS. In this complaint, Defendant Doe #1-5 are referred to as “THE LEAD RACKETEERS”

2. During the period relevant herein and continuing presently, THE LEDNOR RACKETEERS, THE MODERNIZE RACKETEERS, THE IPO RACKETEERS, and THE PRESTIGE RACKETEERS (Collectively, “THE CALLER RACKETEERS”) called Plaintiff on this private telephone using information and consent purportedly originally gained from THE LEAD RACKETEERS. THE LEAD RACKETEERS were a provider of information technology, centralized operational and backend support services, and leads which THE CALLER RACKETEERS used.

3. Collectively, THE LEDNOR RACKETEERS, THE MODERNIZE RACKETEERS, THE IPO RACKETEERS, THE PRESTIGE RACKETEERS and THE LEAD RACKETEERS are referred to as “Defendants”.

4. Plaintiff brings this action to challenge the Defendants’ practices in the telephone solicitation of its products and services. Specifically, Plaintiff challenges Defendants’ and Defendants’ agents’ illegal telephone solicitations by which it markets its products and services.

5. All of the claims asserted herein arise out of Defendants’ illegal telephone solicitation campaign and are a common fact pattern.

II. Jurisdiction and Venue

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), in that Defendants conduct business in, and a substantial part of the events giving rise to plaintiff's claims occurred in, Pennsylvania's Montgomery County, which lies within this judicial district, pursuant to 28 U.S.C. §118. Each of the Defendants has sufficient minimum contacts with this District, and otherwise purposely avail themselves of the markets in this District. Also, see *Lary V. The Doctors Answer, LLC* CV-12-S-3510-NE (N.D. Ala. March 8, 2013.), a Federal Telephone Consumer Protection Act case, which held that "venue is proper in the district where [plaintiff] resides because the injury did not occur when the facsimile was sent... ; it occurred when the [facsimile] was received."

8. Standing is proper under Article III of the Constitution of the United States of America because Plaintiff's claims state: a.) a valid injury in fact; b.) which is traceable to the conduct of Defendants; and c.) is likely to be redressed by a favorable judicial decision. See, *Spokeo, Inc. v. Robins*, 578 U.S. ____ (2016) at 6, and *Lujan v. Defenders of Wildlife*, 504 U.S. 555 at 560. 29.

III. Parties

9. Plaintiff ANDREW PERRONG ("Plaintiff") is an individual who received the alleged phone calls on his private telephone line mentioned herein. Plaintiff is an adult individual and citizen of the Commonwealth of Pennsylvania who may be mailed at 1657 The Fairway #131 Jenkintown, PA 19046.

10. Defendants Does 1-5 ("THE LEAD RACKETEERS") are an individual and/or

corporation of unknown origin who first called Plaintiff on his private telephone number, and who sold leads under false and illegal pretenses to THE CALLER RACKETEERS. In this complaint, Defendant Doe #1-5 are referred to as "THE LEAD RACKETEERS"

11. Defendant LEDNOR CORPORATION D.B.A. HARRY HELMET is a company owned by DELPHIN ETIENNE THEBAUD III, DELPHIN ETIENNE THEBAUD IV, and operated by JAYNE MACK, which placed numerous telephone calls to Plaintiff. Collectively, they are referred to as THE LEDNOR RACKETEERS.

12. Defendant MODERNIZE, INC. is a corporation owned by JASON EDWARD POLKA, which placed numerous telephone calls to Plaintiff. Collectively, they are referred to as THE MODERNIZE RACKETEERS.

13. Defendant IPO WINDOWS & HOME d.b.a. CITYLIFE INVESTMENTS & ACQ, LLC is a corporation owned by REGINALD E DANAGE, and ROSA DANAGE, which placed numerous telephone calls to Plaintiff. Collectively, they are referred to as THE IPO RACKETEERS.

14. Defendant PRESTIGE HOME SOLUTIONS is a corporation owned by ANDREW AVRAMIDIS, which placed numerous telephone calls to Plaintiff. Collectively, they are referred to as THE PRESTIGE RACKETEERS.

15. Except as described herein, Plaintiff is ignorant of the true names of Defendants sued as Does 6 through 100, inclusive, and the nature of their wrongful conduct, and therefore sues these Defendants by such fictitious names. Plaintiff will seek leave of the Court to amend this complaint to allege their true names and capacities when ascertained.

16. At all times herein mentioned, Defendants, and the Doe Defendants, (collectively,

“Defendants”), and each of them, were an agent or joint venture of each of the other, and in doing the acts alleged herein, were acting within the scope of such agency. Each Defendant had actual and/or constructive knowledge of the acts of each of the other Defendants, and ratified, approved, joined in, acquiesced and/or authorized the wrongful acts of each co-Defendant, and/or retained the benefits of said wrongful acts.

17. Defendants THE LEAD RACKETEERS, THE LEDNOR RACKETEERS, THE MODERNIZE RACKETEERS, THE IPO RACKETEERS, and THE PRESTIGE RACKETEERS (collectively, “Defendants”), constitute a racketeering enterprise. Said enterprise used and employed the wires of the United States of America to engage in fraudulent and criminal activity by racketeering, wire fraud, illegally recording telephone calls with Plaintiff, illegally forcing/manufacturing consent to call plaintiff, illegally spoofing caller ID calling Plaintiff in violation of the TCPA, deprivation of civil rights under color of law, and threatening Plaintiff with bodily injury, reports to governmental authorities, and criminal penalties for asserting his rights under the TCPA.

18. Plaintiff is informed and believes, and therefore alleges, that THE LEAD RACKETEERS and, THE CALLER RACKETEERS’ comprehensive right to control is sufficient to meet the agency standard under Pennsylvania and federal law.

19. Defendants, and each of them, aided and abetted, encouraged and rendered substantial assistance to the other Defendants in committing the wrongful acts alleged herein. In taking action, as particularized herein, to aid and abet and substantially assist the commission of these wrongful acts and other wrongdoing complained of each of the Defendants acted with an awareness of its primary wrongdoing and realized that its conduct would substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.

20. At all times herein mentioned, Defendants conspired by means of mutual understanding, either expressly or impliedly, among themselves and others in engaging and/or planning to engage in the activities detailed herein to accomplish the wrongful conduct, wrongful goals, and wrongdoing.

IV. Factual Allegations

21. In or about July 27, 2017, Plaintiff received a telemarketing call from caller ID 301-920-1067 to Plaintiff's private phone 301-920-1621, asking if he was interested in pricing estimates for home improvements.

22. Plaintiff is under the belief that this call was placed by THE LEAD RACKETEERS. During the call, THE LEAD RACKETEERS asked for someone else's name and provided someone else's address, and plaintiff answered in the affirmative and proceeded with the call to discover the identity of the caller and for no other reason. The caller did not reveal their true identity, and remains unknown.

23. The caller ID for this first call was illegally spoofed, and made a characteristic "pop" noise after Plaintiff answered, and there was a delay in connecting to an agent, which indicates it was a "robocall" made using an Automatic Telephone Dialing System. The call also was illegally recorded without Plaintiff's consent in contravention of Pennsylvania law.

24. Plaintiff contends that during this call Plaintiff never consented to contact from any other entities, since he repeatedly reiterated the FCC rule that one need not consent to receive automatically-dialed telephone calls in order to purchase products and services. Plaintiff would have been perfectly content to let the one call made by THE LEAD RACKETEERS slide as he could not uncover the identity of the caller, but THE LEAD RACKETEERS provided the

illegally obtained call recording and contact information to THE CALLER RACKETEERS, despite the lack of consent.

25. Plaintiff asserts that, despite any consent purportedly received during the original call by THE LEAD RACKETEERS, such consent, if any, would have applied to THE LEAD RACKETEERS only, and that even this consent is null and void as it was purportedly made to discover the identity of the illegal caller, and was forced upon Plaintiff in an effort to discover Caller's identity. Plaintiff notes that there are no TCPA cases out there that deal with TCPA liability and forced consent, and believes that it is high time that the issue was brought to the court's attention, since more and more companies are getting caught forcing consent through the use of companies such as THE LEAD RACKETEERS to duck liability under the TCPA and hide their corporate identity from TCPA suits. Such "consent" is a lose-lose situation and a double-bind for consumers in that they must either consent to violations of the TCPA or not know who to sue under the TCPA, thus making the TCPA essentially toothless.

26. Plaintiff brings to the court's attention that other federal district Courts have held Plaintiff's practices to be legitimate and have not held such forced "consent" to be detrimental to a plaintiff bringing a TCPA action. See for instance, *Bank v. Caribbean Cruise Line*, which held that "Purporting to obtain consent during the call, such as requesting that a consumer "press 1" to receive further information, does not constitute the prior consent necessary to deliver the message in the first place, as the request to "press 1" is part of the telemarketing call.... As the FCC has stated, the consent must be made before the call." *See also Margulis v. P&M Consulting, Inc.*, 121 S.W. 3d 246 (Mo. App. ED 2003), which held that, "The fact that the initial prerecorded call was one step removed from the actual sales pitch' does not mean that the

purpose of the call was not ultimately meant to convey information about commercially available services”

27. A full list of all the unsolicited telephone messages, time, and content, placed by THE CALLER RACKETEERS as a result of the actions of THE LEAD RACKETEERS is incorporated here by reference to Exhibit A.

28. Plaintiff’s telephone number was active on the Federal Do-Not-Call registry for over thirty-one (31) days prior to the illegal unsolicited messages, per FTC rules.

29. Plaintiff received the Calls on his private telephone line, as defined and set forth in 47 CFR § 64.1200(a)(1)(iii).

30. Plaintiff has sustained, in addition to statutory damages, actual damages in receiving the messages, voicemails, and calls in the form of clutter to his message inbox, loss of time and privacy, annoyance, as well as in needing to pay for each message/call sent or received on his account.

31. These solicitations constituted “RoboCalls” under the TCPA that were not for emergency purposes.

32. Plaintiff did not provide any one, more, or all Defendants, nor any agent of Defendants, prior express written consent, or any other form of consent, express or implied, to cause Plaintiff to receive telephone Calls on his personal telephone to transmit a message or make Calls, as more fully described above.

33. Plaintiff had no prior business relationship with any one, more, or all of Defendants.

34. The telephone Sales Calls therefore violated various portions of 47 U.S.C. § 227 and 47 CFR 64.1200, as more fully outlined in the Causes of Action set forth below.

35. THE LEAD RACKETEERS designed and implemented an extensive offshore calling

racketeering scheme whereby they call hundreds of thousands of telephone numbers, presumably from an offshore call center, using an automatic telephone dialing system, which utilized illegal “neighbor” caller ID spoofing, a form of caller ID spoofing whereby the callers use other, legitimate numbers in the same first 6 numbers of the caller ID to make it look like the call is coming from a neighbor, and illegally recorded the calls they made and forced the consent of the persons they called to receive telemarketing calls from THE CALLER RACKETEERS.

36. THE CALLER RACKETEERS conspired with THE LEAD RACKETEERS to call people in violation of the TCPA and conspired with THE LEAD RACKETEERS to develop business plans, marketing promotions, and sales messages, i.e., by employing a consistent process across the businesses for determining how and when Calls would be made through the ATDS and scoring or rating the Calls sent through the ATDS, and agreeing on unified payment and compensation schemes.

37. Upon information and belief, THE LEAD RACKETEERS worked strategically with THE CALLER RACKETEERS to send their illegal messages to duck liability under the TCPA and force TCPA “consent” and thus assisted in the perpetration of, and provided the technical resources for the perpetration of, racketeering, wire fraud, illegal call recording, the making of terroristic threats, deprivation of civil rights under color of law, perjury through forced/spoofed consent, TCPA violations, and illegal caller ID spoofing.

38. THE LEAD RACKETEERS’ businesses directly loaded customer information onto THE CALLER RACKETEERS “mainframe” or “back-end” computer systems, with various marketing and sales tools, illegally obtained call recordings, and illegally obtained fraudulent consent information

39. THE LENDOR RACKETEERS’ behavior was particularly egregious because, upon

Plaintiff emailing THE LENDOR RACKETEERS informally to negotiate a settlement to the matter, Plaintiff was threatened with being reported for criminal penalties if he filed a lawsuit under the TCPA. In brief, Jayne Mack, a manager and controller of LEDNOR CORPORATION D.B.A. HARRY HELMET, emailed plaintiff, saying she would forward “all information and e-mails to the New Jersey and Pennsylvania Attorney General's office and the New Jersey and Pennsylvania Bar Association.” Such an e-mail was intended to have a “chilling effect” on Plaintiff and intended to illegally bully, harass, and strike fear into Plaintiff to avoid a TCPA lawsuit.

40. THE IPO RACKETEERS’ behavior was particularly egregious because, during a call with THE IPO RACKETEERS, Plaintiff spoke to a supervisor of company named “John,” who threatened to “Kick Rocks” at Plaintiff, a terroristic death threat intended to have a “chilling effect” on Plaintiff and intended to illegally bully, harass, and strike fear into Plaintiff to avoid a TCPA lawsuit.

41. The enterprise is the combination of all the entities named herein as defendants. The period of the conspiracy has lasted from at least sometime in July 2017 to the present day.

42. Because of the tight connection between all defendants, such crimes amount to Racketeering. Defendants, and each of them, have engaged in the predicate acts of racketeering, wire fraud, TCPA violations, illegal call recording, the making of terroristic threats, deprivation of civil rights under color of law, perjury through forced/spoofed consent, and money laundering which supports the claim of violation of 18 U.S.C. §1962(d) and (c), conspiracy to conduct racketeering affairs through a pattern of racketeering activity.

V. Causes Of Action

First Cause of Action

(Negligent Violation of the TCPA “RoboCall/Text” Prohibition, 47 U.S.C. § 227 et seq.)

43. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

44. As a result of Defendants’ and Defendants’ agents negligent violations of 47 U.S.C. § 227(b)(1)(A), Plaintiff seeks for himself \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

45. Pursuant to 47 U.S.C. § 227(b)(3)(A), Plaintiff seeks injunctive relief prohibiting such conduct in the future.

Second Cause of Action

(Knowing and/or Willful Violation of the TCPA
“RoboCall/Text” Prohibition, 47 U.S.C. § 227 et seq.)

46. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

47. As a result of Defendants’ and Defendants’ agents knowing and/or willful violations of 47 U.S.C. § 227(b)(1)(A), Plaintiff seeks for himself treble damages, as provided by statute, up to \$1,500.00 for each and every violation, pursuant to 47 U.S.C. § 227(b)(3).

48. Pursuant to 47 U.S.C. § 227(b)(3)(A), Plaintiff seeks injunctive relief prohibiting such conduct in the future.

Third Cause of Action

(Negligent Violation of the TCPA “Sales Call/Text” Prohibition, 47 U.S.C. § 227 et seq.)

49. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

50. As a result of Defendants' and Defendants' agents negligent violations of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. 64.1200(c)(2), Plaintiff seeks for himself \$500 in statutory damages for each and every violation, pursuant to 47 U.S.C. § 227(c)(3)(F).

51. Pursuant to 47 U.S.C. § 227(c)(5)(A), Plaintiff seeks injunctive relief prohibiting such conduct in the future.

Fourth Cause of Action

(Knowing and/or Willful Violation of the TCPA
"Sales Call/Text" Prohibition, 47 U.S.C. § 227 et seq.)

52. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

53. As a result of Defendants' and Defendants' agents knowing and/or willful violations of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. 64.1200(c)(2), Plaintiff seeks for himself treble damages, as provided by statute, up to \$1,500.00 for each and every violation, pursuant to 47 U.S.C. § 227(c)(5).

54. Pursuant to 47 U.S.C. § 227(c)(5)(A), Plaintiff seeks injunctive relief prohibiting such conduct in the future.

Fifth Cause of Action

(Negligent Violation of the TCPA "Caller ID Spoofing"
Prohibition, 47 U.S.C. § 227 et seq.)

55. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

56. As a result of Defendants' and Defendants' agents negligent violations of 47 U.S.C.

§ 227(e), Plaintiff seeks for himself \$500 in statutory damages for each and every violation, pursuant to the implied private right of action.

Sixth Cause of Action

(Knowing and/or Willful Violation of the TCPA
“Caller ID Spoofing” Prohibition, 47 U.S.C. § 227 et seq.)

57. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

58. As a result of Defendants’ and Defendants’ agents knowing and/or willful violations of 47 U.S.C. § 227(e), Plaintiff seeks for himself treble damages, as implied, up to \$1,500.00 for each and every violation, pursuant to the implied private right of action.

Seventh Cause of Action

(Negligent Violation of the TCPA “Do-Not-Call Policy” Requirement, 47 CFR 64.1200 et seq.)

59. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

60. As a result of Defendants’ and Defendants’ agents negligent violations of 47 CFR 64.1200(d)(1), Plaintiff seeks for himself \$500 in statutory damages for each and every violation, pursuant to the implied private right of action.

Eighth Cause of Action

(Knowing and/or Willful Violation of the TCPA
“Do-Not-Call Policy” Requirement, 47 CFR 64.1200 et seq.)

61. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

62. As a result of Defendants' and Defendants' agents knowing and/or willful violations of 47 CFR 64.1200(d)(1) Plaintiff seeks for himself treble damages, as implied, up to \$1,500.00 for each and every violation, pursuant to the implied private right of action.

Ninth Cause of Action

(Negligent Violation of the TCPA "Do-Not-Call List" Requirement, 47 CFR 64.1200 et seq.)

63. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

64. As a result of Defendants' and Defendants' agents negligent violations of 47 CFR 64.1200(d)(3), Plaintiff seeks for himself \$500 in statutory damages for each and every violation, pursuant to the implied private right of action.

Tenth Cause of Action

(Knowing and/or Willful Violation of the TCPA
"Do-Not-Call List" Requirement, 47 CFR 64.1200 et seq.)

65. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

66. As a result of Defendants' and Defendants' agents knowing and/or willful violations of 47 CFR 64.1200(d)(3) Plaintiff seeks for himself treble damages, as implied, up to \$1,500.00 for each and every violation, pursuant to the implied private right of action.

Eleventh Cause of Action

(Fraud)

67. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

68. Defendants and Defendants' agents made the willful and knowingly false statements to Plaintiff of transmitting false caller identification information, proverting to obtain forced TCPA consent, and concealing company identity, when Defendants made their "RoboCall"/Sales Calls to Plaintiff's private domicile telephone. Plaintiff suffered damages due to reliance on Defendants' false statements as Plaintiff answered telephone calls that he otherwise would not have answered, which tied up Plaintiff's telephone line, and wastefully utilized Plaintiff's telephone.

Twelfth Cause of Action

(Trespass to Chattel)

69. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

70. Defendants and Defendants' agents conduct of telemarketing constituted an electronic trespass to Plaintiff's private telephone. This trespass was significant and substantial in duration in that Defendants' trespass illegally deprived Plaintiff of the use and enjoyment of his telephone system for lawful purposes. Plaintiff has been damaged in an amount to be determined according to proof at trial.

71. At no time did Plaintiff consent to this trespass.

72. Defendants' trespass was done with oppression and malice, in that Defendants sent their illegal message intentionally, in actual awareness of its illegal nature, with the purpose of making an illicit profit and with the purposes of vexing, injuring and annoying Plaintiff or with a willful and conscious disregard of Plaintiff's rights. Plaintiff is therefore entitled to punitive damages.

Thirteenth Cause of Action

(Conversion)

73. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

74. Defendants and Defendants' agents conduct of telemarketing constituted a conversion of Plaintiff's private telephone. This conversion was significant and substantial in duration in that Defendants' conversion illegally deprived Plaintiff of the use and enjoyment of his telephone for lawful purposes.

75. Plaintiff is therefore entitled to the entire value of his telephone and service, in an amount to be determined according to proof at trial.

76. At no time did Plaintiff consent to this conversion.

77. Defendants' conversion was done with oppression and malice, in that Defendants sent their illegal message intentionally, in actual awareness of its illegal nature, with the purpose of making an illicit profit and with the purposes of vexing, injuring, and annoying Plaintiff or with a willful and conscious disregard of Plaintiff's rights. Plaintiff is therefore entitled to punitive damages.

Fourteenth Cause of Action

(RICO Conspiracy 18 U.S.C. §1964(c))

78. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

79. Defendants, and each of them, have engaged in the predicate acts of wire fraud and money laundering which supports the claim of violation of 18 U.S.C. § 1962(d) and (c), conspiracy to conduct racketeering affairs through a pattern of racketeering activity.

80. There are two or more acts that form the basis of racketeering engaged in by Defendants by using the wires of the United States to illegally market home improvement services and laundering over \$10,000 of the proceeds of the wire fraud through financial institutions. Defendants conspired and engaged in the fraudulent use of the wires to deceive, trick, and/or extort Plaintiff into handing over TCPA rights, money, or property to Defendants, as well as to violate Pennsylvania state call recording laws, and threaten Plaintiff with criminal penalties and bodily harm. Defendants are engaging in spam calling in direct violation of 47 U.S.C. §227 to solicit confidential information over the wires of the United States.

81. Defendants are all associated with and a member of the enterprise as alleged and described above by Plaintiff. Upon information and belief, defendants, and each of them, knowingly committed, conspired, devised, participated, and/or assisted in committing at least two of the predicate acts herein described.

82. The predicate acts formed a pattern of racketeering activity by having the same or similar purposes, results, participants, victims, or methods of commission, or were otherwise interrelated by distinguishing characteristics so that they were not isolated events. The predicate acts amounted to, or threatened the likelihood of, continued criminal activity posing a threat of continuity projecting into the future and through the commission of the two or more connected predicate acts, the Defendants conducted or participated in the conduct of the affairs of the enterprise. The enterprise was engaged in, or its activities affected, interstate commerce. The use of the wires and the laundering of money through financial institutions affects interstate commerce.

83. Plaintiff has been injured in his person and property as a direct and proximate cause

of Defendants' willful violations of Pennsylvania and Federal law as described above, which is in the pattern of racketeering activity. Defendants did not act by mistake or accident but rather acted voluntarily and knowingly all while conspiring and intending to defraud Plaintiff of his life, liberty, TCPA rights, privacy, money, telephone, person, and property. Each and every fraudulent telephone message that forms the basis of this cause of action constituted an illegal use of the wires in violation of 18 U.S.C. §1343.

84. Plaintiff demands threefold damages as well as statutorily imposed attorney fees as a result of Defendants' racketeering activities described above.

85. Defendants' actions did not result in nor were caused by the purchase of or sale of securities.

86. It was reasonably foreseeable that defendants would make use of interstate wire communications in a conspiracy to attempt to defraud Plaintiff, and interstate wire communication was, indeed, used in a conspiracy to attempt to defraud Plaintiff.

87. Defendants' use of the wires (18 U.S.C. 1343) of the United States went across state lines and thus constitutes the interstate commerce of the racketeering enterprise of Defendants.

88. Defendants, and each of them, committed, assisted, conspired, participated, and/or devised two or more acts of racketeering activity within the ten years prior to filing this cause of action.

89. In addition, Defendants' pattern of racketeering activities is present in the constant and multiple calling of thousands of telephone numbers illegally over an extended period of time as described above as well as a knowing and intentional violation of the Do Not Call registry.

90. Each Defendant named herein engaged, directly or indirectly, in the pattern of racketeering affairs and activities described above. Defendants' TCPA violations, overt and express death threats, and malicious threats to report Plaintiff to alleged criminal activities also constitute predicate acts for purposes of racketeering activity.

91. Defendants laundered their profits, revenues, expenses and income from their racketeering activities as defined by 18 U.S.C. 1961 (1), through US financial institutions in violation of 18 U.S.C. §§ 1956 and 1957.

92. The Defendants' specified unlawful activity for purposes of 18 U.S.C. §1956(c)(7), is 18 U.S.C. §1343 as defined in 18 U.S.C. §1961(1).

WHEREFORE, Plaintiff prays for relief against defendants, and each of them, as follows:

VI. Prayer for Relief

On Causes of Action 1-10 {and 14}:

1. For awards of \$500 for each negligent violation as set forth in actions 1-10;
2. For awards of \$1,500 for each knowing and/or willful violation in actions 1-10;
3. Injunctive relief against Defendants, and each of them, to prevent future wrongdoing;

Total statutory damages: **\$382,500** (17 counts each of: RoboCall, sales call to a number on the National Do-Not-Call registry, caller ID spoofing, failure to place number on internal DNC, failure to provide a copy of DNC policy, with treble damages for each, total of \$127,500, plus treble RICO damages (see below).)

For Causes of Action 11-13:

4. Compensatory, general, incidental, and consequential damages according to proof;
5. Punitive and special damages according to proof;

For Cause of Action 14:

6. Treble damages of the \$127,500 from causes of action 1-6, for total damages of \$382,500, plus treble payment of any additional recovery;
7. RICO attorney's fees (if applicable) and court costs;
8. Compensatory, general, incidental, and consequential damages according to proof;
9. Punitive and special damages according to proof;

For All Causes of Action:

10. Punitive damages to punish Defendants for their willful, illegal, and deliberate tortious conduct and to deter others who may otherwise engage in similar willful illegal and deliberate tortious conduct;
11. Prejudgment interest at the maximum legal rate;
12. Costs of suit herein incurred; and
13. All such other and further relief as the Court deems proper

VII. Demand for Jury Trial

Plaintiff hereby demands a trial by jury on all claims so triable.

Dated: August 2, 2017



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** EXHIBIT A: Listing of Calls/Messages **

NOTE: All Calls sent to 301-920-1621, and were RoboCalls (or placed using an ATDS) and used Spoofed Caller ID and had refusals to place Plaintiff on DNC list/provide a copy of DNC policy, either explicit or implicit

Date/Time	Caller ID	Notes
2017-07-29 14:13:09	301-920-1067	Original call from THE LEAD RACKETEERS
2017-07-31 13:09:55	301-242-9572	Missed call from THE MODERNIZE RACKETEERS
2017-07-31 13:11:37	443-364-9982	Missed call from THE IPO RACKETEERS, left message
2017-07-31 13:10:00	443-201-7771	Text message: Thank you for your recent request for information for your next home improvement project! Someone will be in touch with you shortly to get you set up for your free in home no obligation estimate. If you have any questions or need additional information, don't hesitate to reach out to us directly at (888) 553-5697. I.P.O. Windows & Home www.ipowindows.com
2017-07-31 13:11:52	856-780-5707	Missed call from THE LEDNOR RACKETEERS
2017-07-31 13:11:56	856-638-5837	Missed call from THE LEDNOR RACKETEERS
2017-07-31 13:12:27	856-638-5837	Missed call from THE LEDNOR RACKETEERS
2017-07-31 13:12:58	856-780-5707	Missed call from THE LEDNOR RACKETEERS
2017-07-31 13:13:19	301-242-9572	Missed call from THE MODERNIZE RACKETEERS
2017-07-31 13:16:43	301-242-9572	Missed call from THE MODERNIZE RACKETEERS
2017-07-31 13:20:10	301-242-9572	Missed call from THE MODERNIZE RACKETEERS
2017-07-31 13:20:35	410-314-9496	Missed call from THE PRESTIGE RACKETEERS
2017-07-31 16:54:00	410-314-9496	PRESTIGE RACKETEERS, revoked consent, refused DNC policy&list explicitly
2017-07-31 17:19:38	443-883-3972	THE IPO RACKETEERS, revoked consent, refused DNC policy&list explicitly, death threat
2017-07-31 18:43:21	443-863-7029	PRESTIGE RACKETEERS, after consent revoked, refused DNC policy&list explicitly
2017-08-01 12:41:48	301-242-9572	THE MODERNIZE RACKETEERS, revoked consent, refused DNC policy&list explicitly
2017-08-01 13:07:44	856-638-5837	THE LEDNOR RACKETEERS, after consent revoked, refused DNC policy&list explicitly

** End of Exhibit A **